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Sent: Monday, November 05, 2007 3:08 PM

To: MLPAComments

Subject: MLPA for Gerstle Cove to Pt Arena

To Whom It May Concern:

Having reviewed the “packages” of conservation areas and marine reserves on the North Coast published on your MLPA website, I would like to voice concern over the seeming lack of attention to important principles embodied by some of these proposals.

SMCAs, and in particular SMRs, should NOT be sited adjacent to private land for the following reasons:

1. **Enforcement.** Some proposals show SMCAs or SMRs adjoining Richardson Ranch and Sail Rock Ranch property. These properties are steep bluffs and hidden intratidal zones. They will be very labor intensive to patrol, especially by those unfamiliar with the land. Additional enforcement staff will never enable adequate oversight of private lands. Siting next to public or semi-public land makes enforcement more realistic—given enough staff. This principle is realistic and enforceable laws strengthen public respect for law.
2. **Public Education.** A patchwork of protected areas is shown by some maps. Enforcement will be hindered by lack of understanding by fishers and other users. Even with a significant and ongoing investment in public education, the public will not know where each protected area starts and stops. It will be equally difficult for DFG staff to enforce. Cat and mouse games with GPS devices will ensue. Make it simple: Blanket protection can be implemented better.
3. **Landowner Involvement.** There are no coastal landowners--who are affected by some of these packages--serving in any capacity on MLPA. Fishermen and kayak companies have a voice, but not the landowners affected by these proposals. Last I heard landowners were solely responsible for taxes on adjoining property. This was not critical in MLPA Phase 1, perhaps due to the comparative wealth of public lands. The principle is taxation with representation.
4. **Stewardship.** No trespassing laws have been the primary means of protecting intratidal zones adjacent to private land. These laws are only effective when they are enforced by landowners. Where private lands have been opened and no trespassing laws not enforced, the intratidal zone has suffered greatly. Coastal landowners have felt a stake in the protection of ecosystem values. However, by both excluding them from the MLPA process and locking them out of the intratidal zone, as SMR ‘no go’ status appears to do, these folks will increasingly look at protection as a state function. Ironically, the state is in no position to do as good a job as these stewards have done. This is a shame, because one of the primary reasons for biodiversity on the North Coast is the protection that individual landowners have provided. This principle is wise use of human and natural resources.
5. **Local knowledge.** Why are there so many errors in naming coastal features on MLPA maps? Two dynamics are at work: a) a belief that higher values must be pressed on uninformed locals and b) that if an itinerant person (fisher, kayaker, biologist, administrator) discovered it, it must be theirs. Luckily, places come with history and local knowledge. It would be a happy state of affairs if the MLPA process actually honored local knowledge.
6. **Property rights.** On the North Coast, for the first time, MLPA attempts to set a precedent of locating SMCAs and SMRs adjacent to privately-held land. Has staff investigated the legality of doing so adjacent to some private land but not other private land? Why should members of Anchor Bay Campground or Sea Ranch have their properties excluded simply because they make the biggest show? One is left with the

impression that a quid pro quo of public access is at the root of these special dispensations. This principle is equal protection under the law.

Again, I urge you NOT to site SMCAs and SMRs adjacent to privately-held land.

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